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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/592,934

11/15/2006

Pierre Piveteau

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EXAMINER

KEENAN, JAMES W

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/592,934	<b>Applicant(s)</b> PIVETEAU ET AL.	
	<b>Examiner</b> James Keenan	<b>Art Unit</b> 3652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/15/06</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

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1. The information disclosure statement filed 9/15/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The Office did not receive copies of the foreign and non-patent literature documents.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it utilizes legal terms including "means" and "said". Correction is required. See MPEP § 608.01(b).

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

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As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout the claims, the persistent use of vague qualifiers including "especially", "preferably", "possibly", "optionally", and "for example" renders the scope of

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the claims unascertainable, as it is unclear if the elements following these terms are required components of the claims.

Claim 1, lines 6-7, "at least one load support transfer element" is recited, but in line 15, "at least two ... elements" are recited; therefore it is not clear if the claim requires at least one or at least two such elements.

Claim 2, the recitation "the transfer side members" lacks clear antecedent basis.

Claim 9, the phrase "intended to be inserted" is vague.

Claim 11, although referenced in the preamble as a "Process", fails to clearly delineate any positively recited method steps; therefore the scope of the claim is unclear.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hallstrom et al (US 6,450,753) in view of Kern (US 3,938,678) or Kashiwara (JP 62-259927).

Note that Hallstrom is the Patent equivalent of pre-grant publication U.S. 2002/0085904 described by applicant in the description of the prior art, and as admitted by applicant, shows a substantially similar apparatus for transfer of a load between a

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vehicle and a platform, comprising a load support transfer element 18 having a length equal to that of the load to be transferred and which is axially movable along a transfer path between the vehicle and the platform by way of a carriage 42 which pulls the load support element and the load supported thereby out of the vehicle onto the platform or pushes it from the platform into the vehicle, the carriage being driven back and forth along the transfer path by a driving element linked to a transmission (drive chain/sprocket assembly 36, 38, 40), wherein the load support element is coupled to the carriage by mating elements 42, 46.

Hallstrom does not show the load support element to comprise two side members each coupled to the carriage.

Kern and Kashiwara both show similar load transfer devices wherein a load support transfer element comprises a pallet which has side members (see, e.g., Kern figs. 2, 3, Kashiwara figs. 2, 3, 6) that can be (at least indirectly) coupled to a carriage.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Hallstrom by utilizing a load support transfer element in the form of a pallet having side members coupled to the carriage, as shown by Kern and Kashiwara, as this would preclude the necessity of specialized load handling equipment in the vehicle (i.e., rails 16 of Hallstrom), thereby resulting in a more economical installation.

Re claim 2, the use of a shaft with fishplates on the end for nut and bolt connections to the side members is considered an obvious and alternate equivalent design expediency for providing a quickly releasable connection between elements.

Re claim 3, note fastening device 60 of Hallstrom.

Re claim 4, the platform of Hallstrom comprises frame 26 which presumably includes longitudinal beams connected by crosspieces to form an open support plane.

Re claim 5, the platform also includes at least three parallel longitudinal beams 28 which provide support and guidance for the load support member.

Re claim 6, the use of support bearings for the transmission between the beams would have been an obvious constructional design expediency.

Re claim 7, note feet 24 of Hallstrom. To have made the feet adjustable and/or portable would have been an obvious design expediency for increased flexibility and convenience, as it has been held that making a device both adjustable and portable involves only routine skill in the art.

Re claim 8, note chain 36 of Hallstrom.

Re claim 9, note in Hallstrom guide rollers 34 and continuous axial bearings 32.

Re claim 10, to have made the side members of glued, laminated beams would have been an obvious design expediency, as it has been held to be within the general skill of a worker in the art to select the use of a particular material or construction on the basis of its suitability for the intended use.

Re claim 11, the method "steps" as claimed, to whatever extent they may be given patentable weight, are clearly performed by the apparatus of Hallstrom as modified.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Keenan/  
Primary Examiner  
Art Unit 3652

jwk  
2/23/09